IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4042 OF 2004

Prashant M.Chawan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Samir A.Vaidya for Applicant.

Mr.S.R.Shinde, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 5, 2004.

P.C.

1. Heard Counsel for the parties.

2. It is not in dispute that the Applicant had filed similar application before this Court after filing of charge-sheet being Criminal Application No.2254 of 2004. The same was heard on merits. But during the course of hearing, eventually, the Counsel for the Applicant was advised to withdraw the same and instead, seek

direction for early disposal of the trial. The fact that the earlier application has been withdrawn after hearing for sometime is recorded in the order dated 16th June 2004 of this Court, which, to my mind, presupposes that the Court was not inclined to interfere. It is only then the Advocate normally withdraws the application. This is the common practice in this Court. As mentioned earlier, this Court expedited the trial as requested. As per that direction, the Trial Court proceeded with the trial and also framed charges. That order was, however, challenged before this Court. Indeed, this Court interfered at the instance of the Applicant and called upon the Trial Court to hear the Applicant before framing of additional charges. Taking advantage of the liberty given, the present Application is filed, albeit through another Advocate on record. It is not a case where Trial Court has made no attempt for expediting the trial. In fact, the grievance made on the earlier occasion, while questioning the correctness of the order of the Trial Court framing additional charges is that the Trial Court was proceeding hastily. Be that as it may, in view of

the aforesaid background, I see no reason to show any indulgence. For, the order expediting the trial is already operating. The Trial Court will be well advised to conclude the trial expeditiously. This Application is disposed of with the above observations. Ordered accordingly.

A.M.KHANWILKAR, J.